

BS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,506	12/22/1999	MICHAEL O'DELL	UUN99001	5045

25537 7590 06/17/2004
 MCI, INC
 TECHNOLOGY LAW DEPARTMENT
 1133 19TH STREET NW, 10TH FLOOR
 WASHINGTON, DC 20036

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
----------	--------------

2662

12

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,506

Applicant(s)

O'DELL ET AL.

Examiner

Hanh Nguyen

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 03/30/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-17 and 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-16, 19-22 and 24-27 are rejected under 35 USC 103 (a) as being unpatentable over **Wang et al.** (US Pat. No. 6,636,505 B1) in view of **Gidwani** (US Pat. No. 6,640,239 B1) .

In claims 1, 2, 10, 11, 19, 20, 24 and 26, **Wang et al.** discloses an Ethernet home network 210 (Ethernet Lan) comprising PCs (end users) executing software instructions to perform point-to-point communication (end users executing software that communicate over an Ethernet LAN and establishing PPP communication sessions). See Figs. 9&11 & lines 35-60 & col.26, lines 20-40. PCs encapsulate ethernet packets (encapsulating ethernet packet; see col.17, lines 10-30) and transmit request for PVC to ATU-R that is coupled to the home network (forwarding the encapsulated packet to CPE that is coupled to the LAN; see col.16, lines 32-37). ATU-R (DSL modem) communicates with DSLAM 90 (line terminating equipment) to configure a PVC. DSLAM 90 connects to one of ATM switches 90 (Mux/Demux). See Fig.4. A PVC (a communication channel) is provided between PCs (end users) through ATM UNI (col.8, line 1-15) and mapped to ISP 100 (terminating at a remote server) such as multiple PPP communication sessions from PCs are carried over the PVC (simultaneously carrying sessions over a

communication channel). See col.16, lines 57-65 & lines 10-15. Fig.9 shows that Internet 240 receives packet from ISP (forward packets to packet switch network). **Wang et al.** does not disclose processing individual accounting information for each of user stations.

Gidwani discloses, in Fig.1, an Internet backbone connectivity which provides capability for subscribers to communicate with each other across the backbone comprising a SS7 gateway 146 that is used for billing as well as for switching capability (see col.20, lines 35-47). In particular, refer to figures 25a & 25b, depending on the type of services requested (see fig.25a), subscribers can select to pay the services by either monthly billing 1390 or smart card deduction 1388 (see Fig.25b). It is a well-known skill in the art that the billing record of each subscriber should comprise accounting information such as name, address, account number ... etc. See col.61, line 45 to col.62, line 20 (processing individual accounting information for each of user stations). Therefore, it would have been obvious to one ordinary skill in the art to apply the billing calculation into **Wang et al.** in order to include individual accounting information for each user. The advantage is to bill users based on type of service requested.

In claims 7, 16 and 22, **Wang et al.** discloses PCs allowed to access one or more service providers 100 by PC provided between DSLAM 90 and PCs (dynamically selecting network services). See col.9, lines 35-45.

In claims 3, 12 and 21, the limitations of these claims have been addressed in claim 1.

In claim 4, **Wang et al.** discloses ATM PVC is established over an ATM network 80 (a communication channel exists over ATM network). See Fig.4.

In claim 13, **Wang et al.** discloses, in Fig.2, an ATM switch of ATM network 80 performing mux/demux (multiplexer/demultiplexer is an ATM switch).

In claims 5 and 14, **Wang et al.** discloses an ATM 's PVC is assigned to PCs (a PVC associated with ATM network is assigned to the CPE). See col.9, lines 35-45.

In claim 6 and 15, **Wang et al.** discloses a mapping of VPI/VCIs are assigned to multiple PPP over a single PVC (ppp sessions are mapped to distinct VPI/VCIs). See col.8, lines 1-15 & col.16, lines 55-65.

In claims 25 and 27, **Wang et al.** discloses in Fig.4 PCs can request for PPP connections different ISPs 100 (PPP corresponds to a first network service provider and a second network service provider), wherein each ISP is assigned a PVC (see col.8, lines 1-15.

In claims 8, 17 and 23, **Wang et al.** discloses PC users transmit ethernet packet via a bus in home network (see Fig.11), but does not disclose the packets conform with Ethernet V2 format. Since this is an Internet connection between point-to-point users. Therefore, it would have been obvious to one ordinary skill in the art to transmit packet data from PC user of Wang et al.using V2 Ethernet packet to support PPP over Ethernet LAN users.

Response to Arguments

Applicant's arguments with respect to claims 1-8, 10-17 and 19-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cohen et al. (US Pat. No. 6,404,861 B1) discloses DSL Modem with Management Capability.

Brodigan (US Pat. No. 6,473,427 B1) discloses ATM Based VDSL Communication System Having Meta Signaling for Switching a Subscriber Between Different Data Service Providers.


Chiu (US Pat. No. 6,597,689 B1) discloses SVC Signalling System and Method.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 5PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on 703 305 4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen


June 7, 2004


HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600